

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 23, 2026

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 25HD-041

Hawai'i

Approval of New License Agreement of Private Property Between Trustees of the Estate of Bernice Pauahi Bishop on Behalf of the Department of Accounting and General Services, Office of Enterprise Technology Services, for Radio Facilities Purposes, Ka'ūpūlehu, North Kona, Hawai'i, Tax Map Key: (3) 7-2-002:001 (Portion).

APPLICANT:

Department of Accounting and General Services (DAGS), the Office of Enterprise Technology Services (ETS).

LANDOWNER:

Trustees of the Estate of Bernice Pauahi Bishop

LEGAL REFERENCE:

Section 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Ka'ūpūlehu, North Kona, Hawai'i, identified by Tax Map Key: (3) 7-2-002:001 (Portion). See **Exhibit A** attached.

AREA:

0.712 acre, more or less, portion of the 7,031.2 acre parcel

ZONING:

State Land Use District: Agriculture
County of Hawai'i CZO: A-900a – Agricultural 900 acre minimum

CHARACTER OF USE:

The purpose of operating and maintaining a radio communications facility for public safety and public service.

TERM:

Ten (10) years commencing on January 1, 2026.

ANNUAL RENT:

Current rent: \$1,800 per month through December 31, 2025.

New rent: \$50,000 per year, \$4,166.67 per month, with an annual escalation of 3% per year.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the Office of Environmental Notice on July 8, 2009¹, with a finding of no significant impact (FONSI) dated June 10, 2009. See **Exhibit B** attached.

DCCA VERIFICATION:

Landowner, as a private trust, is not required to register with DCCA.

BACKGROUND:

The Landowner and Hualalai Land Corporation (HLC) entered into a lease dated August 23, 1961. At its meeting on November 19, 2009, Item D-7, the Board approved a sublease between HLC and ETS (formerly known as Information and Communication Services Division). The original lease did not provide for withdrawals of land from its operation. Accordingly, HLC subleased a portion of the property to ETS to install, operate, and maintain the Ka'ūpūlehu radio station facility.

In 2015, HLC terminated its lease agreement with the Landowner. As a result, the original sublease agreement was amended so that the Landowner succeeded the interest of the sublease. The Board approved the amendment at its meeting on May 27, 2016 as Item D-3.

The sublease expired on December 31, 2025. ETS is now seeking a new license agreement with the Landowner to continue operations of the Ka'ūpūlehu radio station facility.

¹ A copy can be downloaded from: https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2009-07-08-HA-FEA-Kaupulehu-Radio-Site.pdf

REMARKS:

In its initial development, the facility was constructed to provide an upgrade to the infrastructure and technology supporting government telecommunications. DAGS, through ETS, is responsible for providing statewide telecommunication services in support of public safety, including emergency response operations.

The Ka'ūpūlehu radio station facility is a part of a statewide network of communications facilities known as the Anuenue Network. The Anuenue Network is a partnership between DAGS and the U.S. Coast Guard, and is used exclusively for public purposes by public agencies. Agencies that rely on the facility to transmit communications and data include, but are not limited to, the State Department of Health, Department of Land and Natural Resources, University of Hawai'i, County of Hawai'i Police Department, and the U.S. Department of the Interior.

The facility is a critical component of the network, providing coverage over extensive areas of the County of Hawai'i and serving as one of only two connection points to Haleakalā. From Haleakalā, communications are relayed through a series of linked sites that ultimately connect to Hilo. Given the specialized location and function within the network, uninterrupted operation of the site is essential. Multiple government agencies rely on this facility, including State and County public safety and emergency response services. ETS is also in negotiations with the County of Hawai'i to include this facility as one of the sites shared by the State under a new Memorandum of Agreement, reflecting its continued and essential use by County emergency services.

Approval of a new agreement for the continued use of the existing facility is the most practical and cost-effective option. Relocating the facility would require identifying a new location with equivalent access and utilities. In addition, relocating would necessitate constructing new infrastructure and duplicating previously completed improvements, resulting in significant additional cost, time, and potential service interruptions. The existing facility is already fully developed, operational, and integrated into the broader communications network.

Approval of this agreement is in the best interest of the State, as it preserves a critical public safety asset, avoids unnecessary expenditure of public funds, and ensures uninterrupted emergency communications services for the County of Hawai'i and surrounding areas.

Staff notes that the Landowner is not able to provide a long-term lease for only a portion of the entire property. Thus, in negotiations between the Landowner and ETS, a disposition in the form of a new license agreement for the facility was determined to be the best solution for both parties.

Pursuant to HRS §171-17, Land Division procured an appraisal of the site. The appraisal estimated the annual fair market value to be \$50,000, and the appraisal also concluded that annual escalations of 3% would be appropriate for the initial

10-year term. ETS, being the party responsible for paying the rent, negotiated directly with the Landowner who agreed to the proposed appraised rent. Both parties wish to continue to work together to support public safety.

The agreement would be effective retroactively to January 1, 2026. The approval and execution of a new agreement is lengthy, so it is mutually agreed that ETS will continue to pay the current rent until the new agreement is fully executed. Upon execution of the new agreement, ETS will pay the difference of the new rent and any rents already paid.

ETS is agreeable with the negotiated terms and has budgeted for the new rent. It would allow ETS to continue operating and maintaining an existing, upgraded communications facility that supports statewide and countywide public safety and emergency communications. Continued use of this established facility is necessary to preserve the functionality, reliability, and coverage of the existing communications network.

Staff will work with the Attorney General on the specific language of the agreement.

RECOMMENDATION:

That the Board approve entering into a license agreement with Trustees of the Estate of Bernice Pauahi Bishop on behalf of DAGS-ETS, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

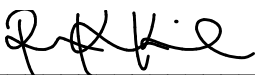
1. Review and approval by the Department of the Attorney General; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Ryanna Fernandez

Ryanna Fernandez
Project Development Specialist

APPROVED FOR SUBMITTAL:



Ryan K. P. Kanaka'ole, Acting Chairperson



LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810

JUN 10 2009

PM-1076.9

Ms. Katherine Puana Kealoha
Director
Office of Environmental Quality Control
State of Hawaii
235 South Beretania Street, 7th Floor
Honolulu, Hawaii 96813-2437

Dear Ms. Kealoha:

Subject: Final Environmental Assessment/Finding of No Significant Impact
Information and Communication Services Division
Kaupulehu Radio Site and Tower
D.A.G.S. Job No. 11-10-0478
North Kona District, Island of Hawaii, Tax Map Key: 7-2-002:001

The State of Hawaii Department of Accounting and General Services is submitting four (4) copies of the Final Environmental Assessment (EA)/Anticipated Finding of No Significant Impact (FONSI), for the Information and Communication Services Division, Anuenue Radio Sites and Towers, Kaupulehu Site project in compliance with requirements of Chapter 343, Hawaii Revised Statutes, and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200. The four copies will be submitted by Wilson Okamoto Corporation.

A FONSI has been determined for this project. The basis for this determination is set forth in Chapter 5 of the Draft EA which follows the significance criteria set forth in Hawaii Administrative Rules, Title 11, State of Hawaii Department of Health, Chapter 200, Environmental Impact Statement Rules, Section 12 (see attachment).

Please publish the notice of availability of the Final EA in the next issue of the Environmental Notice.

Should you have any questions, please call Mr. Daniel Jandoc of our Project Management Branch at 586-0476 or Mr. John Sakaguchi of Wilson Okamoto Corporation, our consultant, at 946-2277.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ernest Y. W. Lau".

ERNEST Y. W. LAU
Public Works Administrator

DJ/csc
Attachments
c: John Sakaguchi, WOC

Exhibit B